Article 6. Water Quality Monitoring and Response Programs for Interim Status Facilities

§66265.90. Applicability.

(a) The regulations in this article apply to owners or operators of facilities specified in section 66265.1(b). A surface impoundment, waste pile, land treatment unit or landfill that receives or has received hazardous waste after November 19, 1980 shall comply with the requirements of this article for purposes of detecting, characterizing and responding to releases to groundwater, surface water or the unsaturated zone. The Department shall require an owner or operator of a surface impoundment, waste pile, land treatment unit or landfill that ceased receiving hazardous waste by November 19, 1980 to comply with the requirements of this article if the Department determines that constituents in or derived from waste placed in the surface impoundment, waste pile, land treatment unit or landfill may pose a threat to human health or the environment. A surface impoundment, waste pile, land treatment unit or landfill required to comply with the provisions of this article is hereinafter referred to as a "regulated unit."

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.91. Required Programs and the Water Quality Sampling and Analysis Plan.

(a) An owner or operator subject to this article shall conduct a monitoring and response program for each regulated unit at the facility as follows:

(1) the owner or operator shall institute a detection monitoring program under section 66265.98 except as required under subsections (a)(2) and (a)(3) of this section;

(2) the owner or operator shall institute an evaluation monitoring program under section 66265.99 whenever there is statistically significant evidence of a release, pursuant to section 66265.98(g) or (i) from the regulated unit during a detection monitoring program; and

(3) the owner or operator shall institute an evaluation monitoring program under section 66265.99 whenever there is significant physical evidence of a release from the regulated unit. Significant physical evidence of a release includes unexplained volumetric changes in surface impoundments, unexplained stress in biological communities, unexplained changes in soil coloration, visible signs of leachate migration, unexplained water table mounding beneath or adjacent to the regulated unit and any other change to the environment that could reasonably be expected to be the result of a release from the regulated unit.

(b) The owner or operator shall develop and follow a water quality sampling and analysis plan that satisfies the requirements of this article. The owner or operator shall submit this plan to the Department and initiate institute a water quality monitoring program required by subsection (a) of this section within 180 days of July 1, 1991. Until the water quality monitoring program is in full operation, the owner or operator shall continue to monitor in accordance with 40 CFR Part 265, Subpart F. The owner or operator shall submit all modifications to the water quality sampling and analysis plan to the Department and shall maintain a current version of the water quality sampling and analysis plan in the operating record at the facility. The Department shall require the owner or operator to modify the water quality sampling and analysis plan as necessary to protect human health or the environment.

(c) The owner or operator shall specify in the water quality sampling and analysis plan the specific elements of each monitoring and response program. For each regulated unit, the owner or operator shall include in the water quality sampling and analysis plan one or more of the programs identified in subsection (a) of this section as may be necessary to protect human health or the environment and shall specify the circumstances under which each of the programs will be required.

(d) In conjunction with an evaluation monitoring program the owner or operator shall continue to conduct a detection monitoring program under section 66265.98 as necessary to provide the best assurance of the detection of subsequent releases from the regulated unit.

NOTE: Authority cited: Sections 208, 25150 and 25259, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.92. Water Quality Protection Standard.

(a) For each regulated unit, the owner or operator shall establish a water quality protection standard in the water quality sampling and analysis plan. This water quality protection standard shall consist of the list of constituents of concern under section 66265.93, the concentration limits under section 66265.94 and the point of compliance and all monitoring points under section 66265.95. This water quality protection standard shall apply during the active life of the regulated unit and during any compliance period under section 66265.96.

(b) If an owner or operator is conducting a detection monitoring program in conjunction with an evaluation monitoring program for a regulated unit pursuant to section 66265.91(d), the owner or operator may establish separate water quality protection standards for each program.

NOTE: Authority cited: Sections 208. 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY
1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.93. Constituents of Concern.

For each regulated unit, the owner or operator shall specify in the water quality sampling and analysis plan the constituents of concern to which the water quality protection standard of section 66265.92 applies. Constituents of concern are the waste constituents, reaction products, and hazardous constituents that are reasonably expected to be in or derived from waste contained in the regulated unit.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY
1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.94. Concentration Limits.

(a) For each constituent of concern specified pursuant to section 66265.93, the owner or operator shall specify in the water quality sampling and analysis plan one of the following for each medium (groundwater, surface water and the unsaturated zone) monitored pursuant to section 66265.97:

(1) a concentration limit not to exceed the background value of that constituent as determined under section 66265.97(e)(11)(A); or

(2) that, at any given time, the concentration limit for that constituent will be equal to the background value of that constituent, as determined pursuant to section 66265.97(e)(11)(B).

(b) The owner or operator shall only specify different concentration limits for different monitoring points in the same medium where necessary:

(1) to describe background conditions in multiple surface water bodies, multiple aquifers or geochemically dissimilar zones in the same aquifer; or

(2) because the statistical method selected for a constituent uses intra-well comparison procedures.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY
1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.95. Monitoring Points and the Point of Compliance.

(a) For each regulated unit, the owner or operator shall specify in the water quality sampling and analysis plan the point of compliance at which the water quality protection standard of section 66265.92 applies and at which monitoring shall be conducted. The point of compliance is a vertical surface, located at the hydraulically downgradient limit of the waste management area, that extends through the uppermost aquifer underlying the regulated unit. For each regulated unit, the owner or operator shall specify monitoring points at the point of compliance and additional monitoring points at locations determined pursuant to section 66265.97 of this article at which the water quality protection standard under section 66265.92 of this article applies and at which monitoring shall be conducted.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed during the active life of the regulated unit.

(1) The waste management area includes horizontal space taken up by any liner, dike or other barrier designed to contain waste in the regulated unit.

(2) If the facility contains contiguous regulated units and monitoring along a shared boundary would impair the integrity of a containment or structural feature of any of the units, the waste management area may be described by an imaginary line along the outer boundary of the contiguous regulated units if the water quality monitoring program for each unit will enable the earliest possible detection of a release from that regulated unit. This provision only applies to contiguous regulated units that were operating before July 1, 1991.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY
1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.96. Compliance Period.

(a) The owner or operator shall specify in the water quality sampling and analysis plan the compliance period for each regulated unit. The compliance period is the number of years equal to the active life of the regulated unit (including the closure period) and constitutes the minimum period of time during which the owner or operator shall conduct a water quality monitoring program subsequent to a release from the regulated unit.

(b) The compliance period begins each time the owner or operator initiates an evaluation monitoring program meeting the requirements of section 66265.99.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25150.5 and 25159, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.97. General Water Quality Monitoring and System Requirements.

(a) The owner or operator shall comply with the requirements of this section for any water quality monitoring program developed to satisfy sections 66265.98 or 66265.99.

(b) Groundwater Monitoring System.

(1) Except as provided under subsection (e)(3) of this section, the owner or operator shall establish a groundwater monitoring system for each regulated unit. The design of the groundwater monitoring system shall be based upon the information obtained from hydrogeologic investigations of the facility area, including the identification of the uppermost aquifer and aquifers hydraulically interconnected and a determination of groundwater flow rate and direction in each such aquifer. This groundwater monitoring system shall be fully operational within 180 days of July 1, 1991. Until such groundwater monitoring system is fully operational, the owner or operator shall continue to comply with 40 CFR Part 265, Subpart F. This groundwater monitoring system shall include:

(A) a sufficient number of background monitoring points (at least one) installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that represent the quality of groundwater that has not been affected by a release from the regulated unit;

(B) for a detection monitoring program under section 66265.98:

1. a sufficient number of monitoring points (at least three) installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that represent the quality of groundwater passing the point of compliance and to allow for the detection of a release from the regulated unit;

2. a sufficient number of monitoring points installed at additional locations and depths to yield groundwater samples from the uppermost aquifer as necessary to provide the best assurance of the earliest possible detection of a release from the regulated unit; and

3. a sufficient number of monitoring points and background monitoring points installed at appropriate locations and depths to yield groundwater samples from other aquifers, low-yielding saturated zones and from zones of perched water as necessary to provide the best assurance of the earliest possible detection of a release from the regulated unit; and

(C) for an evaluation monitoring program under section 66265.99:

1. a sufficient number of monitoring points (at least three) installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer that represent the quality of groundwater passing the point of compliance, and at other locations in the uppermost aquifer as necessary, to provide the data needed to evaluate changes in water quality due to the release from the regulated unit; and

2. a sufficient number of monitoring points and background monitoring points installed at appropriate locations and depths to yield groundwater samples from other aquifers, low-yielding saturated zones and zones of perched water as necessary to provide the data needed to evaluate changes in water quality due to the release from the regulated unit.

(2) The groundwater monitoring system may include background monitoring points that are not hydraulically upgradient of the regulated unit if documentation is maintained in the facility operating record that demonstrates that sampling at other monitoring points will provide samples that are representative of the background quality of groundwater or are more representative than those provided by the upgradient monitoring points.

(3) A copy of drillers' logs shall be filed with the Department on Department of Water Resources form DWR 188-Rev 12-86, available from the Department of Water Resources, 3251 S Street, Sacramento, CA 95816-7017, or by phone at (916) 322-7171.

(4) All monitoring wells shall be cased and constructed in a manner that maintains the integrity of the monitoring well bore hole and prevents the bore hole from acting as a conduit for contaminant transport.

(5) The sampling interval of each monitoring well shall be appropriately screened and fitted with an appropriate filter pack to enable collection of representative groundwater samples.

(6) For each monitoring well the annular space (i.e., the space between the bore hole and well casing) above and below the sampling interval shall be appropriately sealed to prevent entry of contaminants from the surface, entry of contaminants from the unsaturated zone, cross contamination of saturated zones and contamination of samples.

(7) All monitoring wells shall be adequately developed to enable collection of representative groundwater samples.

(c) Surface Water Monitoring System.

(1) The owner or operator shall establish a surface water monitoring system to monitor each surface water body that could be affected by a release from the regulated unit.

(2) Each surface water monitoring system shall include:

(A) a sufficient number of background monitoring points established at appropriate locations and depths to yield samples from each surface water body that represent the quality of the surface water that has not been affected by a release from the regulated units;

(B) for a detection monitoring program under section 66265.98, a sufficient number of monitoring points established at appropriate locations and depths to yield samples from each surface water body that provide the best assurance of the earliest possible detection of a release from the regulated unit; and

(C) for an evaluation monitoring program under section 66265.99, a sufficient number of monitoring points established at appropriate locations and depths to yield samples from each surface water body that provide the data

necessary to evaluate changes in water quality due to the release from the regulated unit.

(d) Unsaturated Zone Monitoring System.

(1) Except as otherwise provided in subsection (d)(5) of this section, the owner or operator shall establish an unsaturated zone monitoring system for each regulated unit.

(2) The unsaturated zone monitoring system shall include:

(A) a sufficient number of background monitoring points established at appropriate locations and depths to yield soil-pore liquid samples or soil-pore liquid measurements that represent the quality of soil-pore liquid that has not been affected by a release from the regulated unit;

(B) for a detection monitoring program under section 66265.98, a sufficient number of monitoring points established at appropriate locations and depths to yield soil-pore liquid samples or soil-pore liquid measurements that provide the best assurance of the earliest possible detection of a release from the regulated unit; and

(C) for an evaluation monitoring program under section 66265.99, a sufficient number of monitoring points established at appropriate locations and depths to yield soil-pore liquid samples or soil-pore liquid measurements as necessary to provide the data needed to evaluate changes in water quality due to the release from the regulated unit.

(3) Background monitoring points shall be installed at a background plot having soil characteristics similar to those of the soil underlying the regulated unit.

(4) The owner or operator shall install liquid recovery types of unsaturated zone monitoring (e.g., the use of lysimeters) unless the owner or operator submits to the Department, and maintains in the facility operating record, evidence that such methods of unsaturated zone monitoring cannot provide an indication of a release from the regulated unit. The owner or operator shall install complementary or alternative (nonliquid recovery) types of unsaturated zone monitoring as necessary to provide the best assurance of the earliest possible detection of a release from the regulated unit.

(5) The owner or operator may only omit unsaturated zone monitoring from the monitoring program if the owner or operator submits to the Department, and maintains in the facility operating record, evidence that either there is no unsaturated zone monitoring device or method designed to operate under the subsurface conditions existant at that waste management unit or that installation of unsaturated zone monitoring devices would require unreasonable dismantling or relocating of permanent structures.

(6) The owner or operator of a land treatment unit shall comply with the unsaturated zone monitoring and response requirements for that unit in article 13 of this chapter, in addition to the unsaturated zone monitoring requirements of this article.

(e) General Monitoring Requirements.

(1) All monitoring systems shall be designed and certified by a registered geologist or a registered civil engineer.

(2) All monitoring wells and all other borings drilled to satisfy the requirements of this article shall be logged during drilling under the direct supervision of a registered geologist. These logs shall be submitted to the Department upon completion of drilling.

(A) Soil shall be described in the geologic log according to the Unified Soil Classification System as presented in Geotechnical Branch Training Manuals Nos. 4, 5 and 6, published by the United States Bureau of Reclamation, January 1986, incorporated by reference in section 66260.11 of this division.

(B) Rock shall be described in the geologic log in a manner appropriate for the purpose of the investigation.

(C) Where possible, the depth and thickness of saturated zones shall be recorded in the geologic log.

(3) If a facility contains contiguous regulated units, separate groundwater monitoring systems are not required for each such unit if the water quality monitoring program for each unit will enable the earliest possible detection and measurement of a release from that unit.

(4) The water quality monitoring program shall include consistent sampling and analytical procedures that are designed to ensure that monitoring results provide a reliable indication of water quality at all monitoring points and background monitoring points. At a minimum the program shall include a detailed description of the procedures and techniques for:

(A) sample collection (e.g., purging techniques, sampling equipment and decontamination of sampling equipment);

(B) sample preservation and shipment;

(C) analytical procedures; and

(D) chain of custody control.

(5) The water quality monitoring program shall include appropriate sampling and analytical methods for groundwater, surface water and the unsaturated zone that accurately measure the concentration of each constituent of concern and the concentration or value of each monitoring parameter.

(6) For each regulated unit, the owner or operator shall collect all data necessary for selecting the appropriate statistical methods pursuant to subsections (e)(7), (e)(8) and (e)(9) of this section and for establishing the background values pursuant to subsection (e)(11) of this section. At a minimum, this data shall include analytical data obtained during quarterly sampling of all background monitoring points for a period of one year, including the times of expected highest and lowest annual elevations of the groundwater surface. For a new regulated unit, this data shall be collected before wastes are discharged at the unit and background soil pore liquid data shall be collected from beneath the unit before the unit is constructed.

(7) Based on data collected pursuant to subsection (e)(6) of this section the owner or operator shall select one of the statistical methods specified in subsection (e)(8) of this section for each constituent of concern and for each monitoring parameter. These methods shall be specified in the water quality sampling and analysis plan and

shall be used in evaluating water quality monitoring data. The specifications for each statistical method shall include a detailed description of the criteria to be used for determining statistically significant evidence of any release from the regulated unit and for determining compliance with the water quality protection standard. Each statistical test specified for a particular constituent of concern or monitoring parameter shall be conducted separately for that constituent of concern or monitoring parameter at each monitoring point. The owner or operator shall maintain sufficient documentation in the facility operating record to demonstrate that use of the selected statistical methods will be protective of human health and the environment and will comply with the performance standards outlined in subsection (e)(9) of this section.

(8) The owner or operator shall specify one of the following statistical methods in the water quality sampling and analysis plan:

(A) a parametric analysis of variance (ANOVA) followed in all instances by a multiple comparisons procedure to identify statistically significant evidence of a release from the regulated unit. The method shall include estimation and testing of the contrasts between each monitoring point's mean and the background mean value for each constituent of concern or monitoring parameter;

(B) an analysis of variance (ANOVA) based on ranks followed in all instances by a multiple comparisons procedure to identify statistically significant evidence of a release from the regulated unit. The method shall include estimation and testing of the contrasts between each monitoring point's median and the background median values for each constituent of concern or monitoring parameter;

(C) a tolerance or prediction interval procedure in which an interval for each constituent of concern or monitoring parameter is established from the distribution of the background data, and the value for each constituent of concern or monitoring parameter at each monitoring point is compared to the upper tolerance or prediction limit;

(D) a control chart approach that gives control limits for each constituent of concern or monitoring parameter; or

(E) another statistical test method if sufficient documentation to support selection of the method is submitted to the Department and is maintained in the facility operating record. If the statistical test method includes a procedure to verify that there is statistically significant evidence of a release from the regulated unit, this procedure shall consist of either a single composite retest (i.e., a statistical analysis of the original data combined with newly-acquired data from the monitoring point at which evidence of a release has been indicated) or shall consist of at least two discrete retests (i.e., statistical analyses which analyze only newly-acquired data from the monitoring point at which evidence of a release has been indicated). The verification procedure shall comply with the following requirements in addition to the statistical performance standards under subsection (e)(9) of this section.

1. If the verification procedure consists of discrete retests, rejection of the null hypothesis for any one of the retests shall be considered confirmation of significant evidence of a release.

2. The number of additional samples collected and analyzed for use in the verification procedure shall be appropriate for the form of statistical test specified in the water quality sampling and analysis plan for that constituent of concern or monitoring parameter pursuant to subsection (e)(7) of this section. This number shall be greater than or equal to the number of samples specified in the water quality sampling and analysis plan for that constituent of concern or monitoring parameter pursuant to subsection (e)(12)(A) of this section.

3. If resampling at the interval identified for use in the initial statistical test pursuant to subsection (e)(12)(B) of this section would cause the entire resampling effort to take longer than 30 days, the sampling interval for use in the verification procedures shall be reduced to ensure that all samples are collected and submitted for laboratory analysis within 30 calendar days from the time that the owner or operator determines statistically significant evidence of a release pursuant to subsection 66265.98(g) or (i).

4. For a verification procedure consisting of a composite retest, the statistical verification procedure shall be based on all data obtained from the initial sampling event combined with all data obtained during the resampling event. For a verification procedure consisting of discrete retests, each shall analyze data obtained during its respective resampling event and no data shall be shared between retests.

5. For a verification procedure consisting of a composite retest, the statistical test method used in the verification procedure shall be the same as the method used in the initial statistical comparison, except that the statistical test used in the verification procedure shall be conducted at a Type 1 error level of no less than 0.05 for both the experimentwise analysis (if any) and the individual monitoring point comparisons; therefore, if a control chart approach is used to evaluate water quality monitoring data, the upper limit on an X-Bar or R-Chart must be set at no more than 1.645 standard deviations of the statistic plotted for a one-sided statistical comparison or at no more than 1.96 standard deviations of the statistic plotted for a two-sided statistical comparison.

6. For a verification procedure consisting of discrete retests, the statistical method used shall be the same as the method used in the initial statistical comparison. Notwithstanding any provision of subsection (e)(9) of this section, the critical value for the tests shall be chosen so that the Type I error rate for all individual monitoring point comparisons is the same, whether for an initial test or for a retest, and is equal-to-or-greater than either

$$(1-0.95^{1/(mws)})^{0.5} \times (1/r)^{0.5}$$
or $1-(.99)^{1/6}$

whichever is larger, where: m = the number of monitoring parameters; w = the number of monitoring points at the waste management units; s = the number of times that suites of monitoring data from the waste management unit are subjected to initial statistical analysis within a period of six months (i.e., s > 1); and r = the number of discrete retests that are to be conducted at a monitoring point whose initial statistical analysis for a given constituent of concern or

monitoring paramenter has indicated the presence of a release (i.e., r > 2).

7. The owner or operator shall report to the Department by certified mail the results of both the initial statistical test and the results of the verification procedure as well as all concentration data collected for use in these tests within seven days of the last laboratory analysis of the samples collected for the verification procedure.

8. The verification procedure shall only be performed for the constituent(s) which has shown statistically significant evidence of a release, and shall only be performed for that (those) monitoring point at which a release has been indicated.

(9) Each statistical method chosen under subsection (e)(7) of this section shall comply with the following performance standards for each six-month period.

(A) The statistical method used to evaluate water quality monitoring data shall be appropriate for the distribution of the constituent of concern or monitoring parameter to which it is applied and shall be the least likely of the appropriate methods to fail to identify a release from the regulated unit. If the distribution of a constituent of concern or monitoring parameter is inappropriate for a normal theory test, then the data shall be either transformed so that the distribution of the transformed data is appropriate for a normal theory test or a distribution-free theory test shall be used. If the distributions for the constituents of concern or monitoring parameters differ, more than one statistical method may be needed.

(B) If an individual monitoring point comparison procedure is used to compare an individual monitoring point constituent concentration or monitoring parameter value with a background parameter value or with a concentration limit in the water quality protection standard or with a background monitoring parameter value, the test shall be done at a Type I error level no less than 0.01. If a multiple comparisons procedure is used, the Type I experimentwise error rate shall be no less than 0.05; however, the Type I error of no less than 0.01 for each individual monitoring point comparison shall be maintained. This performance standard does not apply to tolerance intervals, prediction intervals or control charts.

(C) If a control chart approach is used to evaluate water quality, monitoring data, the specific type of control chart and its associated statistical parameter values (e.g., the upper control limit), shall be protective of human health and the environment. Any control charting procedure must have a false-positive rate of no less than 1 percent for each monitoring point charted (e.g., upper control limits on X-bar or R-charts used only once every six months must be set at no more than 2.327 standard deviations of the statistic plotted for a one-sided statistical comparison or at no more than 2.576 standard deviations of the statistic plotted for a two-sided statistical comparison).

(D) If a tolerance interval or a prediction interval is used to evaluate water quality monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain shall be protective of human health and the environment. These statistical parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentrations or values for each constituent of concern or monitoring parameter. The coverage of any tolerance interval used must be no more than 95 percent and the confidence coefficient must be no more than 95 percent for a six-month period. Prediction intervals shall be constructed with an experimentwise error rate of no less than 5 percent and an individual monitoring point error rate of no less than 1 percent.

(E) The statistical method shall account for data below the practical quantification quantitation limit with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration (or value) that can be reliably achieved within limits of precision and accuracy specified in the water quality sampling and analysis plan for routine laboratory operating conditions that are available to the facility. The owner or operator shall consider the practical quantification quantitation limits listed in Appendix IX to chapter 14 for guidance purposes when specifying limits of precision and accuracy in the water quality sampling and analysis plan.

(F) If necessary, the statistical methods shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(G) Any quality control procedure that is approved by the Department for application to water quality data from downgradient monitoring points for a monitored medium shall also be applied to all newly-acquired background data from that medium. Any newly-acquired background monitoring datum that is rejected by an approved quality control procedure shall be maintained in the facility record but shall be excluded from use in statistical comparisons with downgradient water quality data.

(10) Based on the data collected pursuant to subsection (e)(6) of this section and the statistical methods specified pursuant to subsection (e)(7) of this section, the owner or operator shall select and justify the use of a procedure for determining a background value for each constituent of concern and for each monitoring parameter specified in the water quality sampling and analysis plan. One of the following procedures shall be selected for groundwater, surface water and the unsaturated zone:

(A) a procedure for determining the background value for each constituent or parameter that does not display appreciable natural variation; or

(B) a procedure for establishing and updating the background value for a constituent or parameter to reflect changes in the background water quality if the use of contemporaneous or pooled data provides the greatest power to the statistical method for that constituent or parameter.

(11) Using the procedures for determining background values proposed pursuant to subsection (e)(10) of this section, the owner or operator shall specify in the water quality sampling and analysis plan one of the following for each constituent of concern and for each monitoring parameter:

(A) the background value established by the owner or operator using the procedure selected pursuant to subsection (e)(10)(A) of this section; or

(B) a detailed description of the procedure, selected pursuant to subsection (e)(10)(B) of this section, to be used by the owner or operator for establishing and updating the background value.

(12) For each constituent of concern and monitoring parameter listed in the water quality sampling and analysis plan, the owner or operator shall specify in the water quality sampling and analysis plan the sampling methods to be used to establish background values and the sampling methods to be used for monitoring pursuant to this article.

(A) The number and kinds of samples collected shall be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size shall be as large as necessary to ensure with reasonable confidence that:

1. for a detection monitoring program, a release from the regulated unit will be detected; and

2. for an evaluation monitoring program, changes in water quality due to a release from the regulated unit will be recognized.

(B) The sampling method (including sampling frequency and the interval of time between successive samples) shall be appropriate for the medium from which samples are taken (e.g., groundwater, surface water and soil-pore liquid). The sampling method shall include either:

1. a sequence of at least four samples from each monitoring point, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained. For groundwater, this interval shall be based upon the rate of groundwater movement in the aquifer and upon the fate and transport characteristics of the potential contaminants or pollutants. The rate of groundwater movement shall be calculated by reference to the aquifer's effective porosity, hydraulic conductivity and hydraulic gradient; or

2. an alternate sampling method if sufficient documentation is submitted to the Department and is maintained in the facility operating record to support selection of the method.

(13) The groundwater portion of the monitoring program shall include an accurate determination of the groundwater surface elevation and field parameters (temperature, electrical conductivity, turbidity and pH) at each well each time groundwater is sampled.

(14) The owner or operator shall graph all analytical data from each monitoring point and background monitoring point and shall submit these graphs to the Department at least annually. Unless the owner or operator receives written approval from the Department to use an alternate procedure, each graph shall represent data from one monitoring point or background monitoring point for one constituent of concern or monitoring parameter. Graphs shall be at a scale appropriate to show trends or variations in water quality. All graphs for a given constituent shall be plotted at the same scale to facilitate visual comparison of monitoring data.

(15) In addition to the water quality sampling conducted pursuant to the requirements of this article, the owner or operator shall measure the water level in each well and determine groundwater flow rate and direction in the uppermost aquifer and in any zones of perched water and in any additional aquifers monitored pursuant to subsection (b)(1) of this section at least quarterly, including the times of expected highest and lowest elevations of the water levels in the wells. The owner or operator shall use this data to determine, at least annually, whether the requirements of section 66265.97(b)(1) are satisfied. If the evaluation shows that the requirements of section 66265.97(b)(1) are not satisfied the owner or operator shall, as soon as technically feasible, modify the number, location or depth of the groundwater monitoring wells as necessary to bring the groundwater monitoring system into compliance with the requirements of this article.

(16) Except as provided below, for all background monitoring points in groundwater, the owner or operator must, within 12 months of July 1, 1991, establish background concentrations or values for all constituents listed in Table 1 by sampling quarterly for one year. Results of this sampling shall be submitted to the Department within 15 days after completing each quarterly analysis. If an owner or operator has previously established background for these parameters pursuant to 40 C.F.R. Part 265 by quarterly sampling for at least one year, the owner or operator shall maintain a record of that sampling and analysis in the facility operating record and shall not repeat the sampling and analysis.

Table 1

Background Water Quality Parameters	
Arsenic	Barium
Cadmium	Chloride
Chromium	Coliform Bacteria
Endrin	Fluoride
Gross Alpha	Gross Beta
Iron	Lead
Lindane	Manganese
Mercury	Methoxychlor

Nitrate (as N)	pH
Phenols	Radium
Selenium	Silver
Sodium	Specific Conductance
Sulfate	Toxaphene
2,4-D	2,4,5.TP Silver
Total Organic Carbon	Total Organic Halogen
Turbidity	

(17) Water quality monitoring data collected in accordance with this article, including actual concentrations or values of all constituents and parameters, all backgroundwater quality data, all statistical evaluations, all water level elevation data and all data used to derive the groundwater flow rate and direction shall be maintained in the facility operating record throughout the active life of the facility and throughout the postclosure care period. The owner or operator shall submit this data to the Department at least annually. This information shall be submitted no later than March 1 following each calendar year. The Department shall require more frequent reporting where necessary to protect human health or the environment.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.98. Detection Monitoring Program.

(a) An owner or operator required, pursuant to section 66265.91 of this article, to establish a detection monitoring program for a regulated unit shall, at a minimum, comply with the requirements of this section for that unit.

(b) The owner or operator shall install water quality monitoring systems that are appropriate for detection monitoring and that comply with the provisions of section 66265.97 of this article.

(c) The owner or operator shall establish a background value pursuant to section 66265.97(e)(11) for each monitoring parameter specified under subsection (e) of this section and for each constituent of concern specified under section 66265.97(e)(11) of this article 66265.93.

(d) The owner or operator shall specify the water quality protection standard under section 66265.92 in the water quality sampling and analysis plan.

(e) The owner or operator shall specify in the water quality sampling plan a list of monitoring parameters for each medium (groundwater, surface water and the unsaturated zone) to be monitored pursuant to section 66265.97. The list for each medium shall include those physical parameters, hazardous constituents, waste constituents and reaction products that provide a reliable indication of a release from the regulated unit to that medium. The owner or operator shall specify each list of monitoring parameters in the water quality sampling and analysis plan after considering the following factors:

(1) the types, quantities and concentrations of constituents in wastes managed at the regulated unit;

(2) the expected or demonstrated correlation between the proposed monitoring parameters and the constituents of concern specified for the unit under section 66265.93;

(3) the mobility, stability and persistence of waste constituents or their reaction products;

(4) the detectability of physical parameters, waste constituents and reaction products;

(5) the background values and the coefficients of variation of proposed monitoring parameters in groundwater, surface water and the unsaturated zone; and

(6) the list of suggested detection monitoring analytes presented in Appendix VI of this chapter.

(f) Except as provided below, the owner or operator shall include in the list of monitoring parameters specified for groundwater pursuant to subsection (e) of this section each parameter listed in Table 1. The owner or operator may substitute a more appropriate parameter for a parameter listed in Table 1 if the owner or operator receives written approval for the substitution from the Department and documents in the facility operating record that the parameter is not appropriate for use as a monitoring parameter and that monitoring for the substitute parameter is more likely to provide early detection of a release from the regulated unit.

Table 1

Groundwater Monitoring Parameters

Chloride	Iron
Manganese	pH

Phenols	Sodium
Specific conductance	Sulfate
Total organic carbon	Total organic halogen

(g) The owner or operator shall conduct sampling and analyses for the monitoring parameters listed in the water quality sampling and analysis plan. The owner or operator shall specify the frequencies for collecting samples and conducting statistical analyses to determine whether there is statistically significant evidence of a release from the regulated unit for any monitoring parameter specified in the water quality sampling and analysis plan pursuant to subsection (e) of this section. For groundwater, samples from each monitoring point and each background monitoring point shall be collected at least quarterly during detection monitoring, including the times of expected highest and lowest annual elevations of the groundwater surface. The owner or operator shall conduct more frequent sampling and statistical analyses where necessary to protect human health or the environment. When specifying the frequencies for collecting samples and conducting statistical analyses for groundwater, the owner or operator shall consider the groundwater flow rate and any variation in groundwater flow rate and direction.

(h) ln addition to monitoring for the monitoring parameters specified under subsection (e) of this section, the owner or operator shall periodically monitor for all constituents of concern specified in the water quality sampling and analysis plan and determine whether the regulated unit is in compliance with the water quality protection standard there is statistically significant evidence of a release for any constituent of concern using the statistical procedure specified pursuant to section 66265.97(e)(7) of this article. Whenever the regulated unit is not in compliance with the water quality protection standard, it shall be considered statistically significant evidence of a release from the regulated unit. The owner or operator shall specify in the water quality sampling and analysis plan the frequencies and locations for monitoring pursuant to this subsection after considering the degree of certainty associated with the expected or demonstrated correlation between values for monitoring parameters and values for the constituents of concern. Monitoring pursuant to this subsection shall be conducted at least every five years.

(i) The owner or operator shall conduct water quality monitoring for each monitoring parameter and each constituent of concern in accordance with section 66265.97(e)(12) of this article. The owner or operator shall maintain a record of water quality analytical data as measured and in a form necessary for the determination of statistical significance under subsections (h) and (j) of this section.

(j) For each monitoring point, the owner or operator shall determine whether there is statistically significant evidence of a release from the regulated unit for any monitoring parameter specified in the water quality sampling and analysis plan pursuant to subsection (e) of this section at a frequency specified pursuant subsection (g) of this section.

(1) In determining whether statistically significant evidence of a release from the regulated unit exists, the owner or operator shall use the method(s) specified in the water quality sampling and analysis plan under section 66265.97(e)(7). This method(s) shall be used to compare data collected at the monitoring point(s) with the background water quality data.

(2) The owner or operator shall determine whether there is statistically significant evidence of a release from the regulated unit at each monitoring point within a reasonable period of time after completion of sampling. The owner or operator shall specify in the water quality sampling and analysis plan what period of time is reasonable, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of samples.

(3) The provisions of this section shall not preclude the Department from making an independent finding that there is statistically significant evidence of a release from the regulated unit. If the Department makes such a finding, the owner or operator shall comply with the provisions of this section that are required in response to statistically significant evidence of a release from the regulated unit.

(k) If the owner or operator determines pursuant to subsection (h) or (j) of this section that there is statistically significant evidence of a release from the regulated unit for any monitoring parameter or constituent of concern at any monitoring point, the owner or operator:

(1) shall notify the Department of the finding by certified mail within seven days of such determination. The notification shall identify for each affected monitoring point the monitoring parameters and constituents of concern that have indicated statistically significant evidence of a release from the regulated unit; and

(2) may immediately initiate a procedure to verify that there is statistically significant evidence of a release from the regulated unit for a parameter or constituent which has indicated a release at a monitoring point if that verification procedure has been specified for that constituent or parameter in the water quality sampling and analysis plan pursuant to section 66265.97(e)(8)(E).

(*l*) If the resampling pursuant to subsection (k)(2) of this section confirms that there is statistically significant evidence of a release from the regulated unit or if the owner or operator does not resample pursuant to subsection (k)(2) of this section, then the owner or operator shall:

(1) for that regulated unit, immediately sample all monitoring points in the affected medium (groundwater, surface water or the unsaturated zone) and determine the concentration of all constituents of concern;

(2) for that regulated unit, immediately sample all monitoring points in the affected medium (groundwater, surface water or the unsaturated zone) and determine whether constituents in the list of Appendix IX to chapter 14 are present, and if so, in what concentration(s);

(3) for any Appendix IX constituents found in the analysis pursuant to subsection (l)(2) of this section that are not specified in the list of constituents of concern for that unit, the owner or operator may resample within one

month and repeat the analysis for those constituents. Each constituent detected in both analyses shall be added to the list of constituents of concern specified in the water quality protection standard for evaluation monitoring unless the owner or operator demonstrates to the satisfaction of the Department that the constituent is not reasonably expected to be in or derived from waste in the regulated unit. If the owner or operator does not resample for the constituents found pursuant to subsection (l)(2) of this section, the constituents found during this initial Appendix IX analysis will be added to the list of constituents of concern specified in the water quality protection standard for evaluation monitoring unless the owner or operator demonstrates to the satisfaction of the Department that the constituent is not reasonably expected to be in or derived from waste in the regulated unit;

(4) for each Appendix IX constituent added to the list of constituents of concern pursuant to subsection (k)(3) of this section, the owner or operator shall:

(A) collect all data necessary for establishing the background concentration for that constituent and for selecting an appropriate statistical procedure pursuant to section 66265.97(e)(6);

(B) select an appropriate statistical procedure pursuant to section 66265.97(e)(7);

(C) select a procedure to establish the background concentration for that constituent pursuant to section 66265.97(e)(10); and

(D) establish the background concentration pursuant to section 66265.97(e)(11);

(5) within 90 days of determining statistically significant evidence of a release, submit to the Department an amended water quality sampling and analysis plan to establish an evaluation monitoring program meeting the provisions of section 66265.99. The amended plan shall include the following information:

(A) an identification of the concentration of each constituent of concern at each monitoring point as determined during the most recent sampling events, and an identification of the concentration of each Appendix IX constituent at each monitoring point for the regulated unit in the affected medium (groundwater, surface water or the unsaturated zone);

(B) any proposed changes to the water quality monitoring systems at the facility necessary to meet the requirements of section 66265.99;

(C) any proposed additions or changes to the monitoring frequency, sampling and analytical procedures or methods or statistical methods used at the facility necessary to meet the requirements of section 66265.99.

(D) a detailed description of the measures to be taken by the owner or operator to assess the nature and extent of the release from the regulated unit; and

(E) a schedule of implementation.

(6) within 180 days of determining statistically significant evidence of a release, submit to the Department an engineering feasibility study for a corrective action program necessary to meet the requirements of section 66264.100 of article 6 of chapter 14. At a minimum, the feasibility study shall contain a detailed description of the corrective action measures that could be taken to achieve background concentrations for all constituents of concern; and

(7) if the owner or operator determines, pursuant to subsection (g) or (i) of this section, that there is statistically significant evidence of a release from the regulated unit at any monitoring point, the owner or operator may demonstrate that a source other than the regulated unit caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis or statistical evaluation, or by natural variation in the groundwater, surface water or the unsaturated zone. The owner or operator may make a demonstration pursuant to this subsection in addition to, or in lieu of, submitting both an amended water quality sampling and analysis plan pursuant to subsection (k)(5) of this section and an engineering feasibility study pursuant to subsection (k)(6) of this section; however, the owner or operator is not relieved of the requirements specified in subsections (k)(5) and (k)(6) of this section unless the demonstration made under this subsection shows to the satisfaction of the Department that a source other than the regulated unit caused the evidence of a release or that the indication evidence resulted from error in sampling, analysis or evaluation or from natural variation in groundwater, surface water or the unsaturated zone. In making a demonstration pursuant to this subsection, the owner or operator shall:

(A) within seven days of determining statistically significant evidence of a release, notify the Department by certified mail that the owner or operator intends to make a demonstration under this subsection;

(B) within 90 days of determining statistically significant evidence of a release, submit a report to the Department that demonstrates that a source other than the regulated unit caused the evidence, or that the evidence resulted from error in sampling, analysis or evaluation, or from natural variation in groundwater. surface water, or the unsaturated zone;

(C) within 90 days of determining statistically significant evidence of a release, submit to the Department an amended water quality sampling and analysis plan to make any appropriate changes to the detection monitoring program; and

(D) continue to monitor in accordance with the detection monitoring program established under this section.

(m) If the owner or operator determines that there is significant physical evidence of a release as described in section 66265.91(a)(3) or that the detection monitoring program does not satisfy the requirements of this section, the owner or operator shall:

(1) notify the Department by certified mail within 7 days of such determination; and

(2) within 90 days of such determination, submit an amended water quality sampling and analysis plan to make any appropriate changes to the program.

(n) Any time the Department determines that the detection monitoring program does not satisfy the requirements of this section, the Department shall send written notification of such determination to the owner or operator by certified mail, return receipt requested. The owner or operator shall, within 90 days after receipt of such notification by the Department, submit an amended water quality sampling and analysis plan to make any appropriate

changes to the program.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.99. Evaluation Monitoring Program.

(a) An owner or operator required pursuant to section 66265.91 to establish an evaluation monitoring program for a regulated unit shall, at a minimum, comply with the requirements of this section for that unit. The evaluation monitoring program shall be used to assess the nature and extent of the release from the regulated unit and to design a corrective action program meeting the requirements of section 66264.100 of article 6 of chapter 14.

(b) The owner or operator shall collect and analyze all data necessary to assess the nature and extent of the release from the regulated unit. This assessment shall include a determination of the rate of migration of hazardous constituents and the spatial distribution and concentration of each constituent of concern throughout the zone affected by the release. The owner or operator shall complete this assessment as soon as technically feasible and, with 15 days of completion, shall submit to the Department a written report containing an assessment of environmental quality.

(c) Based on the data collected pursuant to subsections (b) and (e) of this section, the owner or operator shall update the engineering feasibility study required under section 66265.98(l)(6). The owner or operator shall submit this engineering feasibility study to the Department as soon as technically feasible.

(d) The owner or operator of any facility required to obtain a permit shall use the data collected pursuant to subsection (b) of this section and the engineering feasibility study submitted pursuant to subsection (c) of this section, to prepare Part B of the permit application under section 66270.14 of chapter 20 or to update Part B of the permit application if Part B has been previously submitted. At a minimum, the application shall include the following information:

(1) a detailed assessment of the nature and extent of the release from the regulated unit;

(2) a proposed water quality protection standard including any proposed concentration limits greater than background under section 66264.94(c), and all data necessary to justify each such limit;

(3) a detailed description of proposed corrective action measures that will be taken to achieve compliance with the water quality protection standard proposed for a corrective action program; and

(4) a plan for a water quality monitoring program that will demonstrate the effectiveness of the proposed corrective action.

(e) In addition to the requirements set forth in subsections (b), (c), and (d) of this section, the owner or operator shall continue to monitor groundwater, surface water and the unsaturated zone to evaluate changes in water quality resulting from the release from the regulated unit. In conducting this monitoring, the owner or operator shall comply with the following requirements.

(1) The owner or operator shall install water quality monitoring systems that are appropriate for evaluation monitoring and that comply with the provisions of section 66265.97. These water quality monitoring systems may include all or part of existing monitoring systems.

(2) The owner or operator shall select a list of monitoring parameters for each medium (groundwater, surface water, and the unsaturated zone) to be monitored pursuant to section 66265.97. The list for each medium shall include all hazardous constituents that have been detected in that medium and shall include those physical parameters, waste constituents and reaction products that provide a reliable indication of changes in water quality resulting from the release from the regulated unit to that medium. The owner or operator shall specify each list of monitoring parameters in the water quality sampling and analysis plan after considering the following factors:

(A) the types, quantities and concentrations of constituents in wastes managed at the regulated unit;

(B) information that demonstrates a sufficient correlation between the proposed monitoring parameters and the constituents of concern specified for the unit;

(C) the mobility, stability and persistence of waste constituents or their reaction products;

(D) the detectability of physical parameters, waste constituents and reaction products; and

(E) the background values and the coefficients of variation of proposed monitoring parameters in groundwater, surface water and the unsaturated zone.

(3) The owner or operator shall conduct sampling and analyses for the monitoring parameters listed in the water quality sampling and analysis plan. The owner or operator shall specify in the water quality sampling and analysis plan the frequencies for collecting samples and for conducting statistical analyses to evaluate changes in water quality due to the release from the regulated unit. For groundwater, samples from each monitoring point and each background monitoring point shall be collected at least quarterly during the compliance period of the regulated unit, including the times of expected highest and lowest annual elevations of the groundwater surface. The owner or operator shall conduct more frequent sampling where necessary to protect human health or the environment. When specifying the frequencies for collecting samples and conducting statistical analyses for groundwater, the owner or operator shall consider the groundwater flow rate and any variation in ground water flow rate and direction.

(4) In addition to monitoring for the monitoring parameters specified pursuant to subsection (e)(2) of this section, the owner or operator shall periodically monitor for all constituents of concern specified in the water quality sampling and analysis plan and evaluate changes in water quality due to the release from the regulated unit. The owner or operator shall specify the frequencies for monitoring pursuant to this subsection after considering the

degree of certainty associated with the demonstrated correlation between values for monitoring parameters and values for the constituents of concern. Monitoring pursuant to this subsection shall be conducted at least every five years;

(5) The owner or operator shall conduct water quality monitoring for each monitoring parameter and each constituent of concern in accordance with section 66265.97(e)(12). The owner or operator shall maintain a record of water quality analytical data as measured and in a form necessary for the evaluation of changes in water quality due to the release from the regulated unit.

(6) The owner or operator shall analyze samples from all monitoring points in the affected medium (groundwater, surface water or the unsaturated zone) for all constituents contained in Appendix IX to chapter 14 at least annually to determine whether additional hazardous constituents are present and, if so, at what concentration(s). If the owner or operator finds Appendix IX constituents in the groundwater, surface water or the unsaturated zone that are not already identified in the water quality sampling and analysis plan as constituents of concern, the owner or operator may resample within one month and repeat the analysis for those constituents. If the second analysis confirms the presence of new constituents, the owner or operator shall report the concentration of these additional constituents to the Department by certified mail within seven days after the completion of the second analysis and the owner or operator shall add them to the list of constituents of concern specified in the water quality sampling and analysis plan unless documentation is maintained in the facility operating record that demonstrates that the constituent is not reasonably expected to be in or derived from waste in the regulated unit. If the owner or operator does not resample, then the owner or operator shall report the concentrations of these additional constituents to the Department by certified mail within seven days after completion of the initial analysis and the owner or operator shall add them to the list of constituents of concern specified in the water quality sampling and analysis plan unless documentation is maintained in the facility operating record that demonstrates that the constituent is not reasonably expected to be in or derived from waste in the regulated unit.

(7) The owner or operator shall evaluate all water quality data obtained pursuant to subsection (e) of this section and all water level data obtained pursuant to section 66264.97(e)(15) on a quarterly basis to determine the rate and extent of migration of hazardous constituents and to describe the nature of changes in the geometry and geochemistry of the volume affected by the release. This information shall be reviewed with respect to the design criteria for the corrective action program. If the evaluation indicates that the plan for corrective action is insufficient, the owner or operator shall:

(A) notify the Department by certified mail within seven days of such determination; and

(B) within 90 days of such determination, submit, for approval by the Department any appropriate changes to the application for a permit; and

(8) the owner or operator shall submit to the Department by March 1, following each calendar year, a report on the results of the evaluation monitoring program including, but not limited to, the calculated rate of migration of hazardous constituents in groundwater.

(f) The owner or operator may demonstrate that a source other than the regulated unit caused the evidence of a release or that the evidence is an artifact caused by an error in sampling, analysis or statistical evaluation or by natural variation in groundwater, surface water or the unsaturated zone. Upon a successful demonstration, the Department shall specify that the owner or operator shall reinstitute a detection monitoring program meeting the requirements of section 66265.98. In making a demonstration under this subsection, the owner or operator shall:

(1) notify the Department by certified mail in writing that the owner or operator intends to make a demonstration pursuant to this subsection;

(2) submit a report to the Department that demonstrates that a source other than the regulated unit caused the evidence of a release or that the apparent noncompliance with the standard evidence resulted from error in sampling, analysis, or evaluation or from natural variation in groundwater, surface water or the unsaturated zone;

(3) submit to the Department an amended water quality sampling and analysis plan to reinstitute a detection monitoring program for the unit. This amended plan shall include all appropriate changes to the monitoring program; and

(4) continue to monitor in accordance with the evaluation monitoring program established pursuant to this section.

(g) The Department shall require interim corrective action measures where necessary to protect human health or the environment.

(h) If the owner or operator determines that the evaluation monitoring program does not satisfy the requirements of this section, the owner or operator shall, within 90 days, submit an amended water quality sampling and analysis plan to make any appropriate changes to the program.

(i) Any time the Department determines that the evaluation monitoring program does not satisfy the requirements of this section, the Department shall send written notification of such determination to the owner or operator by certified mail, return receipt requested. The owner or operator shall, within 90 days of such notification by the Department, submit an amended water quality sampling and analysis plan to make appropriate changes to the program.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.101. Corrective Action for Interim Status Waste Management Units.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25187, 25200.10, 25200.14, 58009 and 58010, Health and Safety Code.

HISTORY

1. New section filed 11-19-98 as an emergency; operative 11-19-98 (Register 98, Now. 47). A Certificate of Compliance must be transmitted to OAL by 3-19-99 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 99, No. 12).

